



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 199800070

Date: April 22, 2002

Comments Due: May 22, 2002

In reply, please refer to the Public Notice Number

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## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge dredged or fill material into wetlands of the United States, to construct commercial buildings and associated roads and infrastructure.

**APPLICANT:** Mark Enes, AKT Development, 7700 College Town Drive, Suite 101, Sacramento, CA 95826-2303

**LOCATION:** The proposed Dixon 138 project is located southeast and adjacent to Interstate 80, east of Currey Road, west of N. 1<sup>st</sup> street, and north of Vaughn Road. The site is located in the City of Dixon, in portions of Section 1 and 12 of Township 7 North, Range 1 East, MDB&M, Solano County, California (Figure 1).

**PROJECT DESCRIPTION:** The proposed project will result in the fill of approximately 5.51 acres of waters of the United States, including wetlands, for a mixed-use commercial development (Figure 2). The project includes grading the approximately 138-acre site to develop four commercial parcels, detention basins, and roads. The applicant has stated proposed land uses for the subject property and their infrastructure are in accordance with the Highway Commercial land use designation set forth in the City of Dixon General Plan and zoning ordinance and the project is situated to take advantage of access from Highway 80, which forms the northwestern boundary of the project site.

Wetlands on the project site are seasonal marsh habitat characterized by cattails, smartweed, and sedges. The loss of 5.51 acres of seasonal marsh are proposed to be mitigated off-site by the purchase or dedication of seasonal wetland credits at an undisclosed location.

**AREA DESCRIPTION:** The surrounding land is predominantly agricultural cropland.

**ADDITIONAL INFORMATION:** The applicant has stated an alternatives analysis will be submitted to the Corps that analyzes off-site and on-site alternatives in accordance with Section 404(b)(1) of the Clean Water Act and the Guidelines adopted by the Environmental Protection Agency (40 C.F.R. Part 230).

Based on available information no further cultural resources review is warranted because the permit area has been extensively modified by years of agricultural activity.

Based on the available information this activity would not affect any federally-listed threatened or endangered species or their critical habitat.

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **May 22, 2002**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice may be obtained through our web site at [www.spk.usace.army.mil/cespk-co/regulatory/PNs](http://www.spk.usace.army.mil/cespk-co/regulatory/PNs). If additional information is required, please contact Kenneth Whitney, of Foothill Associates, telephone (916) 782-1011, or Mr. Marc Fugler, at the letterhead address, or telephone (916) 557-5255.

Michael J. Conrad, Jr.  
Colonel, Corps of Engineers  
District Engineer

Attachment: 3 Drawings